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ABSTRACT

As far back as the 1960s, research and statistics began to demonstrate what appeared to be an inequality in the criminal justice system in that minorities, particularly black males, were being arrested and confined in numbers far greater than their proportion to the general population. The Coalition for Juvenile Justice, in conjunction with Community Research Associates, and the Federal Office of Juvenile Justice and Delinquency Prevention hosted a conference on this issue in February 1996. The articles in this collection were written for that conference. The first, "The Rerudj Concept and the Imperative of an African-American Success Model" by Kevin Thomas describes an approach that uses spiritual, value-based, and culturally appropriate problem solving methods to promote the ancient concept of "rerudj," a restoration of that which is damaged. "Identification and Assessment" by Donna Hamperian discusses the identification and assessment of causes of minority overrepresentation in the justice system. "Recognizing System Effects of the DMC Initiative" by William Feyerherm considers a pilot project to develop innovative approaches to DMC in five states. "Positive Activities from the DMC Initiative" by Reggie Morton considers the DMC mandate of the Juvenile Justice and Delinquency Prevention Act and the actions states and local jurisdictions are taking to approach DMC from a problem-solving perspective. Prevention, education, and willingness to change must be the focus of these efforts. (SLD)

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# Disproportionate Minority Confinement (DMC)
# A Special Report From the Coalition For Juvenile Justice.

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# Disproportionate Minority Confinement (DMC)

## A Special Report from the Coalition for Juvenile Justice

**Edited and Introduction by Brian Bumbarger**

*As far back as the 1960's, research and statistics began to demonstrate what appeared to be an inequality in the criminal justice system. Minorities, particularly black males, were being arrested and confined in numbers far greater than their proportion to the general population. In the 1970's and 80's, attention was drawn to that same overrepresentation of minorities in the juvenile justice system. Statistics showed that minority youth, even when taking into account the possibility of disparate crime commission rates and more severe criminal histories, were far more likely to receive formal sanctions, to be sentenced to secure confinement, and to be transferred to criminal court. The Coalition for Juvenile Justice, then the National Coalition of State Juvenile Justice Advisory Groups, focused national attention on this differential processing of minorities in its 1988 Annual Report to the President, Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention. Congress responded by adding a mandate to the Federal Juvenile Justice and Delinquency Prevention Act which required states to conduct studies to determine if in fact the number of minority youth in secure confinement was disproportionate to their representation in the total youth population, and if so, to determine and address the causes of that overrepresentation.*

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**Today, as Congress again prepares to re-examine the effectiveness of that Act and the appropriateness of each of its mandates, it is important to take stock of what has been accomplished since the addition of the DMC mandate, and just as importantly, what remains to be done.**

**In February of this year (1996), in a joint effort of the Coalition for Juvenile Justice, the Coalition's Ethnic and Cultural Diversity Committee, Community Research Associates, and the Federal Office of Juvenile Justice and Delinquency Prevention, over one hundred juvenile justice practitioners and policy-makers from across the country gathered in Phoenix, Arizona for the first National Disproportionate Minority Confinement Planning and Strategy Meeting. The participants gathered to hear where the country stands on achieving the goals of the DMC mandate, to learn about promising approaches being tried in some states, and to develop a plan of action both to address DMC in their state and to maintain the momentum nationally to eliminate inequities in the juvenile justice system. The following collection of articles was written by participants and presenters at that important event. Hopefully they will empower many others to move forward in their own way to address the problem of minority overrepresentation.**

### The Rerudj Concept and the Imperative of an African-American Success Model

by Kevin Thomas

On a single day in 1989, a study commissioned by the State Department of Georgia found all 110 juvenile offenders in the state's youth prison were black. The Human Resources Director for the State commented, "it is inconceivable to me that there were no white children in the state who were charged with possession with intent to distribute." This type of criminal offense often lands black youth in the Youth Development Center.

Although blacks only constitute 13% of the urban population in the United States, FBI statistics show that Blacks account for more than half of the arrests for murder, rape, and non-negligent manslaughter. This represents a rate five times that of whites.

The victims of this violence are also far more likely to be black. 95% of all violent acts committed against blacks are by other blacks. Nationally, homicide is the leading cause of death among black males age 16-35 and black females under the age of 40.

The problem with using this information to draw conclusions is the potential shortcomings of the primary data sources. Arrests and imprisonment statistics may in fact represent official attitudes and behavior rather than differential rates of offending between races. Further, cultural alienation and surrender within the African-American population, especially since the 1968 death of Dr. King and the civil rebellions within the inner cities, has led to a rearrangement of the value systems which have traditionally provided a steady course. Often, the problem is overstated as a deficit model, which is an ideological perspective that attributes the social ills affecting African-Americans and low-income groups to internal rather than external factors. It is popularly called "blaming the victim." (Staples, 1971, and Engram, 1982)

For the last few decades this deficit model has been the predominant perspective projected through the media with its portrait of black America as being infested with "gangs, guns, drugs, and dummies" and the renewed, or some would say, continuing debate within academia as presented in the book The Bell Curve and the statements by the President of Rutgers University that blacks are genetically inferior, and thus unable to compete academically or contribute socially.

In Iowa African-American youth comprise 2.3% of all youth but represent 23% of the youth held in

juvenile detention facilities and 19% of those detained at the Boys' Training School. Similar overrepresentation exists in the African-American adult population, both male and female. This represents a serious strain on family and community development and future productivity. Increasingly apparent is when fathers and mothers are removed from the nurturing development of cultural continuity, representing the values and ideas which give behavior positive license. Youth are subsequently left to set aside priorities and chart their future destination within malfunctioning social, familial, and communal environments.

Historically, we see the strong social and economic advances made by African-Americans in the 1960's, which, according to leading social scientists, were eroded in the 1970's and 80's. Statistics show that in the sixties 75% of black families included a father and mother within the home. Thirty years later, those numbers have plunged to a level where less than half of African-American children under the age of 18 live in a home with a father present.

African-American males are falling victim to drugs and alcohol, dying from AIDS, violence, and simply the misuse of being "cool." An African proverb reminds us that, "a people who cannot save themselves are lost forever."

By using spiritual, value-based holistic and culturally appropriate problem solving approaches, the African-American community can reclaim the ancient concept of Rerudj, which states:

*Restore and raise up that which is in ruin;*
*Repair that which is damaged;*
*Heal that which is wounded;*
*Repair that which is separated;*
*Replenish that which is lacking;*
*Make strong that which is weak;*
*Make flourish that which is fragile and underdeveloped and needs to flourish.*

A Sierra Leonean proverb says, "He who upsets a thing should know how to rearrange it."

*Kevin Thomas is DMC Coordinator for Iowa Criminal and Juvenile Justice Planning, Department of Human Rights*

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## Identification and Assessment

by Donna Hamperian

During the 1988 Reauthorization of the JJDP Act, amendments were added to require that each state's formula grant plan address efforts to reduce disproportionate minority confinement.

There were three steps required by the Act: to provide documentation to indicate whether minority overrepresentation exists; to determine at what point(s) in the process overrepresentation occurs, and to what extent; and to include in the state's 3-year juvenile justice plan action steps to begin to address the problem.

All states have completed step one. Except for Vermont, every state has identified overrepresentation of minorities in detention and/or correctional facilities. Vermont had less than 1% minority at-risk youth population.

Many states have conducted research or completed additional analyses of their data to identify where the problem occurs and the extent of the problem. Following are some of the lessons learned or issues to look for when conducting research or analyzing data in your state.

Amplification - Small racial differences accumulate and become more pronounced as minority youth proceed further into the juvenile justice system. Thus you must identify whether disparity results from large differences in processing at one stage, or more likely an accumulation of relatively small differences at various stages with a large net effect.

Pre-trial Detention - In many jurisdictions, whether or not a youth was detained influenced ALL subsequent decisions. In some studies, race was an explanatory factor in the decision to detain. When disparity does exist, it may occur at any decision point in the system; moreover, it may exist at wholly different decision points in different jurisdictions within a state. When only statewide data are used, race effects may be masked. Analysis should look at all of the jurisdictions in the state with at least 1% minority population. Gender should also be controlled in the analyses. Because females represent such a small percentage of the juvenile justice population at most decision points, overrepresentation of minority females is often masked. Minority females may account for a higher level of overrepresentation (in comparison to majority females) than minority males.

Research should attempt to include information on the family characteristics, such as intact vs. single parent and with whom the youth resides. A body of research indicates that youth from single-parent homes, especially female led, face more severe dispositions than youth from two-parent homes.

Research should attempt to focus on minorities other than African-Americans when applicable, and should examine rural and suburban jurisdictions in addition to urban areas. Patterns of overrepresentation across rural, suburban, and urban areas may be quite different, even within the same state.

Qualitative research (such as police ride-alongs and observational studies) should be included in research strategies. Such information can be valuable in explaining the quantitative data and provide assistance in deciding what should be included in the action plan.

Two analytic models are presented here. The first should be completed to extent possible in all counties and statewide. Ideally it begins with arrest and should include: arrests or court referrals, intake decision to handle formally or informally, the decision to detain, place in shelter or return home, the decision to transfer to adult court, whether the case is adjudicated, and the disposition (including dismissal, formal or informal probation, placement, commitment to the state, or other).

The simplest analytic strategy shows the relationship of these decisions by comparing the proportions of minority and majority youth receiving various actions. Another strategy is to show the probability of each group to precede from one step to the next. This strategy clearly shows the steps in the process that result in overrepresentation by comparing the probabilities at each step.

A second analysis that is very important to conduct and can easily be conducted with limited data again uses the probability strategy. The elements needed for this analysis are: the number of referral offenses, categorized and broken down by race and gender, the number of youth detained by racial group and the number of youth committed to a training school or juvenile corrections, broken down by race and gender. The question asked is, what is the probability of a minority youth referred to court for each offense category being detained, in comparison to a majority youth being detained for the same offense, and similarly, what is the probability of each youth being incarcerated in juvenile corrections.

This analysis allows the research to control for category of offense. This is very important information to have when addressing policy-makers.

Transition probabilities can be computed for other characteristics of offenders also, including first offenders vs. repeat offenders, age at referral, and any other factors that are included in the data.

*Donna Hamperian is a Juvenile Justice Consultant in Columbus, Ohio*

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## Recognizing System Effects of the DMC Initiative

by William Feyerherm

Beginning in late 1991, the Office of Juvenile Justice and Delinquency Prevention funded a set of five States in a pilot project to develop innovative approaches to the problem of Disproportionate Minority Confinement (DMC). The DMC activity in each of the five states has had a range of effects on the juvenile justice systems within those states. While it is undoubtedly too early to determine the overall effects on overrepresentation, it is possible to identify a number of important ongoing improvements in the five state juvenile justice systems that have resulted from the activity over the past several years.

The assessment approach that the five states have taken has demonstrated the information gaps within each of the five states. In none of the states were the information resources truly sufficient to meet the needs of the DMC assessment. In North Carolina, no automated information system existed. As a result of the development of the information for DMC, not only have additional counties requested the kind of special study which was conducted, but the realization that such information could be used for a variety of assessment purposes (not just DMC) has the state moving in the direction of information systems development. At the other end of the spectrum, Florida had a fairly complete juvenile court information system, but in the course of the project found ways of linking information systems of the Department of Education, which provide additional information on youth, as well as resolving the original problem of identifying racial/cultural affiliation. It is also worth noting that the initial focus on assessment frequently had the effect of making local officials more aware of the information resources to which they did have access, whether that was information collected by other agencies, or at other jurisdictional levels.

One of the features common to most of the projects has been the use of community collaboration efforts to develop and enhance service provision activities. For example, in Tampa, FL the project developed new partnerships with the Urban League, the county Children's Board, a set of 18 service providing agencies, and the local juvenile assessment center. In Cedar Rapids, IA the project has involved strengthening the relationship between juvenile justice and the Jane Boyd House, a local resource which has championed approaches of providing "wraparound" community-based services for families in the area.

In each of the five states the activities of the state projects resulted in the development of additional institutionalized mechanisms to continue the assessment of DMC issues and the development of responses. In Florida there has been the development of a whole new juvenile justice department, with a major commitment to the overrepresentation issue, as well as significant resources with which to address the problem. In Iowa the staff members hired for DMC issues have continued their employment, specifically in positions created to address DMC. In two of the Oregon County projects, the county government has found ways of "picking up" the DMC activities as ongoing county activities, in addition to the ongoing work of a State Supreme Court Task Force addressing issues of racial equity within the justice system. In North Carolina, a new section of the Human Services

Department has been created to extend the audit capacity of the state to examine and improve DMC issues throughout the state.

Under the auspices of these DMC programs, a number of local activities have taken place that improve the entire range of local services. For example, in Marion County, Oregon all juvenile court service providers are now required to undergo an agency-wide cultural competency assessment and improvement process, with the county providing technical assistance, and with performance standards written into the agency contracts. In Arizona, community groups have been encouraged to develop new resources for youth headed (or currently involved with) the juvenile justice system. In Portland, OR the County Commission for Children and Families is considering inviting Bethesda Day Treatment Center to assist in developing service systems in the county, explicitly for the purpose of addressing DMC.

Though it is too soon to quantify a statistical reduction in DMC in the pilot states, it is clear that these states, and the juvenile justice system as a whole, have benefitted from the DMC Initiative.

*William Feyerherm is a researcher with Portland State University. The article above was abstracted from his publication, "Disproportionate Minority Confinement: Lessons Learned from the Pilot State Experiences."*

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## Positive Activities from the DMC Initiative

by Reggie Morton

The Disproportionate Minority Confinement (DMC) mandate of the JJDP Act is beginning to take the form that Congress, OJJDP, and its supporters intended: a holistic approach to a devastating problem that is destroying minority communities and putting undue burden on an overwhelmed juvenile justice system. National, State, and local organizations are beginning to approach DMC not as an exercise in placing blame or pointing fingers, but as a thoughtful problem solving activity. Race is always a difficult issue to address, but with the positive interventions that have taken place throughout the country through the DMC core requirement, states are beginning to have an impact on the disease of overrepresentation. This disease for which we know the cure.

After determining whether there is in fact a statistical overrepresentation, the DMC Mandate calls for states to conduct an assessment report on DMC. As of January, 1996, 25 states had completed their reports and all others were in the process of finalizing their studies. In addition, over 30 states and territories have received some type of training or technical assistance surrounding the DMC initiative. The Ethnic and Cultural Diversity Committee of the Coalition for Juvenile Justice was instrumental in conducting a national DMC Planning and Strategy Session in coordination with Community Research Associates and OJJDP. Aside from the Coalition, other national groups such as the National Council of Juvenile and Family Court Judges, the American Correctional Association, and the Annie E. Casey foundation have also made minority overrepresentation an issue within their organizations. OJJDP has created a DMC Working Group headed by Emily Martin, Director of the Training and Technical Assistance Division, and has demonstrated its commitment to the issue by focusing program priorities and discretionary grant funds on DMC in its 1996 Program Plan.

Positive strides have been made to address minority over-representation in the juvenile justice system. However, there is much work yet to be done and it will take time and determination to see a major change. Prevention, education, and a willingness to change must continue to be the focus of this very important issue. The DMC initiative has much to do with race and ethnicity, but it has even more to do with justice.

*Reggie Morton is Program Manager in charge of DMC efforts for Community Research Associates*

***We may have come in different ships, but we're all in the same boat now -***

**Rev. Martin Luther King, Jr.**

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